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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,511	01/12/2000	Quinton Yves Zondervan	52817.000088	5719

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/481,511	Applicant(s) ZONDERVAN, QUINTON YVES	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5,7-10,12,16,17,19,21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. in view of Foladare et al., newly recited reference.

Regarding claims 1,5,7, and 19, Lazaridis et al. discloses an integrated message system (fig.1) comprising: at least two terminal devices associated with a common user (fig. 1 number 10 and 24; col. 7 lines 24-25 and col. 7 lines 34-37); wherein at least the second terminal device is a wireless terminal device (fig. 1 number 24); and at least on scripting agent (redirect software) (fig. 1 number 12) cause an electronic message (e-mail)(fig. 1 A) that is addressed to the first terminal (fig. 1 number 10) device to transmitted to the wireless terminal device (fig. 1 number 24) upon a determination of substantially no user activity at the first terminal device (col. 7 lines 24-64), a server capable of routing electronic messages (fig. 1 numbers 14,10, 18 and col. 2 line 58 through col. 3 line 13). Lazaridis et al. differs from claim 1 of the present invention in that it does not disclose a database that stores at least one electronic message addressed to the first terminal and a scripting agent that accesses the database, retrieves the electronic message and processes the electronic message for transmission to the second terminal. Foladare et al. teaches a server for setting an e-mail preference for delivery to a pager when a recipient is away from his office computer (col. 5 lines 15-37) and

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the server (i.e. a scripting agent within the server) access the recipient record for type of delivery to be forwarded to the pager (col. 5 lines 15-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazaridis et al. messaging system with a database that stores at least one electronic message addressed to the first terminal and a scripting agent that accesses the database, retrieves the electronic message and processes the electronic message for transmission to the second terminal in order for the desktop computer to review it memory when an electronic message arrive without redirection information so that the computer could decide how the electronic message should be forwarded to the mobile computer, as taught by Foladare et al..

Regarding claims 2,3,9,10,16,17 and 19, Lazaridis et al. teaches a physical monitoring device (Microsoft Messaging API) (MAPI) (fig. 1 number 12) to monitor the status (a level of activity at the first device or a determination of no substantially no user activity at the first terminal device) of the common user (col. 7 lines 15-59).

Regarding claims 8 and 12, Lazaridis et al. discloses a method (fig. 5) for managing communications between at least two terminal devices associated with a common user (fig. 1 number 10 and 24; col. 7 lines 24-25 and col. 7 lines 34-37); wherein at least the second terminal device is a wireless terminal device (fig. 1 number 24); and at least on scripting agent (redirect software) (fig. 1 number 12) cause an electronic message (e-mail) (fig. 1 A) that is addressed to the first terminal (fig. 1 number 10) device to transmitted to the wireless terminal device (fig. 1 number 24) upon a determination of substantially no user activity at the first terminal device (col. 7 lines 24-64), numbers 14,10, 18 and col. 2 line 58 through col. 3 line 13). Lazaridis et al. differs from claim 8 of the present invention in that it does not disclose a database that stores at least one electronic message addressed to the first terminal and a scripting agent that accesses the database, retrieves the electronic message and processes the electronic message for transmission to the second terminal. Foladare et al. teaches a server for setting an

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e-mail preference for delivery to a pager when a recipient is away from his office computer (col. 5 lines 15-37) and the server (i.e. a scripting agent within the server) access the recipient record for type of delivery to be forwarded to the pager (col. 5 lines 15-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazaridis et al. messaging system with a database that stores at least one electronic message addressed to the first terminal and a scripting agent that accesses the database, retrieves the electronic message and processes the electronic message for transmission to the second terminal in order for the desktop computer to review it memory when an electronic message arrive without redirection information so that the computer could decide how the electronic message should be forwarded to the mobile computer, as taught by Foadare et al..

Regarding claim 21, Lazaridis et al. discloses an integrated message system (fig.1) comprising: at least two terminal devices associated with a common user (fig. 1 number 10 and 24; col. 7 lines 24-25 and col. 7 lines 34-37); wherein at least the second terminal device is a wireless terminal device (fig. 1 number 24); and at least a server that routes electronic messages and is capable of receiving at least one electronic message address to the first terminal device (fig. 1 numbers 14,10, 18 and col. 2 line 58 through col. 3 line 13); a scripting agent (redirect software) (fig. 1 number 12) cause an electronic message (e-mail)(fig. 1 A) that is addressed to the first terminal device (fig. 1 number 10) to transmitted to the wireless terminal device (fig. 1 number 24). Lazaridis et al. differs from claim 21 of the present invention in that it does not disclosed creating a summary of the electronic message addressed to the first terminal device. Foadare et al. teaches an e-mail paging system wherein a summary of e-mail messages are sent to a recipient (abstract, col. 4 lines 27-30 and col. 5 lines 44-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazaridis et al. with creating a summary of the electronic message addressed to the first terminal device in order for the desktop computer or network to provide the mobile computer a brief summary of the messages that was sent to the desktop computer when the user is away, as taught by Foadare et al..

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Regarding claim 24, Lazaridis et al. discloses a method (fig. 5) for managing communications between at least two terminal devices associated with a common user (fig. 1 number 10 and 24; col. 7 lines 24-25 and col. 7 lines 34-37); wherein at least the second terminal device is a wireless terminal device (fig. 1 number 24); and at least on scripting agent (redirect software) (fig. 1 number 12) cause an electronic message (e-mail) (fig. 1 A) that is addressed to the first terminal (fig. 1 number 10) device to be transmitted to the wireless terminal device (fig. 1 number 24) upon a determination of substantially no user activity at the first terminal device (col. 7 lines 24-64), numbers 14, 10, 18 and col. 2 line 58 through col. 3 line 13). Lazaridis et al. differs from claim 24 of the present invention in that it does not disclose creating a summary of the electronic message addressed to the first terminal device. Foladare et al. teaches an e-mail paging system wherein a summary of e-mail messages are sent to a recipient (abstract, col. 4 lines 27-30 and col. 5 lines 44-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazaridis et al. with creating a summary of the electronic message addressed to the first terminal device in order for the desktop computer or network to provide the mobile computer a brief summary of the messages that was sent to the desktop computer when the user is away, as taught by Foladare et al..

3. Claims 4, 6, 11, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. in view of Foladare et al., newly recited reference as applied to claims 1, 8 and 15 above and in further view of Woltz et al..

Regarding claims 4, 6, 11, 13, 18, the combination of Lazaridis et al. and Foladare et al. differs from claims 4, 6, 11, 13 and 18 of the present invention in that they do not disclose transmitting the electronic message (all or summary messages) to the wireless terminal device after the passage of a predetermined amount of time during which the

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electronic message has not been opened at the first terminal device. Woltz et al. discloses transmitting the electronic message (all or summary messages) to the wireless terminal device after the passage of a predetermined amount of time during which the electronic message has not been opened at the first terminal device (col. 5 lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Lazaridis et al. and Foladare et al. with transmitting the electronic message (all or summary messages) to the wireless terminal device after the passage of a predetermined amount of time during which the electronic message has not been opened at the first terminal device in order to guarantee that the e-mail message will be forwarded to the mobile computer so that the user could view its message if away from its desktop computer, as taught by Woltz et al..

4. Claims 22,23,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. in view of Foladare et al., newly recited reference as applied to claims 21 above and in further view of Byers.

Regarding claims 22,23,25 and 26, the combination of Lazaridis et al. and Foladare et al. differs from claims

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22,23,25 and 26 of the present invention in that they do not disclose the summary of the electronic message addressed to the first terminal device based on a user profile and a number of times words appear in the electronic message. Byers teaches an electronic mail system wherein a summary of the electronic message is based on a user preference template (col. 6 line 23-67) and a frequent word search within the electronic message (col. 6 line 23-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made the combination of Lazaridis et al. and Foladare et al. with the summary of the electronic message addressed to the first terminal device based on a user profile and a number of times words appear in the electronic message in order for the host system to push a summary of electronic messages sent to the desktop computer to the mobile computer based upon the user preference of e-mail delivery, as taught by Byers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
October 26, 2004

